

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DENNY THOMPSON,)	
)	
Plaintiff,)	
)	
v.)	No. 2:21-cv-00106-JPH-DLP
)	
SHARKNINJA OPERATING, LLC,)	
)	
Defendant.)	

ORDER ON JURISDICTION

Plaintiff, Denny Thompson, has filed a complaint alleging that this Court has diversity jurisdiction over this matter. Dkt. 1. For the Court to have diversity jurisdiction, the amount in controversy must exceed \$75,000, exclusive of interests and costs, and the litigation must be between citizens of different states. 28 U.S.C. § 1332(a).

For diversity jurisdiction purposes, "the citizenship of an LLC is the citizenship of each of its members." *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). For LLCs, parties must "work back through the ownership structure until [reaching] either individual human beings or a formal corporation with a state of incorporation and a state of principal place of business." *Baez-Sanchez v. Sessions*, 862 F.3d 638, 641 (7th Cir. 2017); *Thomas*, 487 F.3d at 534.

In contrast, a corporation is deemed a citizen of any state in which it is incorporated and of the state in which it has its principal place of business. 28

U.S.C. § 1332(c)(1); see *Smoot v. Mazda Motors of Am., Inc.*, 469 F.3d 675, 676 (7th Cir. 2006).

Here, the complaint identifies Shark Ninja Operating, LLC as "a foreign corporation organized and existing according to the laws of the State of Massachusetts." Dkt. 1 at 1. The complaint identifies Mr. Thompson as a "resident of the State of Indiana" who "is domiciled in the County of Vigo." *Id.*

Counsel has an obligation to analyze subject-matter jurisdiction, *Heinen v. Northrop Grumman Corp.*, 671 F.3d 669, 670 (7th Cir. 2012), and a federal court always has the responsibility to ensure that it has jurisdiction, *Hukic v. Aurora Loan Servs.*, 588 F.3d 420, 427 (7th Cir. 2009). The Court's obligation includes knowing the details of the underlying jurisdictional allegations. See *Evergreen Square of Cudahy v. Wis. Hous. and Econ. Dev. Auth.*, 776 F.3d 463, 465 (7th Cir. 2015) ("the parties' united front is irrelevant since the parties cannot confer subject-matter jurisdiction by agreement . . . and federal courts are obligated to inquire into the existence of jurisdiction sua sponte").

Therefore, the Court **ORDERS** Plaintiff to file an Amended Complaint by **April 5, 2021** addressing the issues identified in this Order. Specifically, the Amended Complaint should (1) include Mr. Thompson's citizenship and (2) state whether Shark Ninja is an LLC or a corporation and analyze its citizenship appropriately. Defendants will have 21 days after the Amended Complaint is filed to file a response.

SO ORDERED.

Date: 3/3/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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